

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HARIS RADONCIC,

Plaintiff,

ORDER

18-CV-1858 (SJF) (ARL)

-against-

E & A WORLDWIDE TRADERS INC. and ELAN
ELIAV jointly and severally,

Defendants.

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ELAN ELIAV *jointly and severally* and E & A
WORLDWIDE TRADERS INC.,

Third-Party Plaintiffs,

-against-

MILLENNIUM PRODUCTS GROUP, LLC., CLOSEOUT
BINGE, INC. and STEVEN GOLDMEIER,

Third-Party Defendants.

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LINDSAY, Magistrate Judge:

The Court is in receipt of four (4) letter motions filed by the parties. Each of the motions will be addressed in turn.

The first two motions concern the discovery schedule set by the Court. Specifically, by letter dated March 29, 2019, E & A Worldwide Traders Inc. and Elan Eliav (the “defendants”), seek clarification regarding the process governing the making of motions for summary judgment and request an extension of the deadline to commence dispositive motion practice. By letter dated April 1, 2019, the plaintiff, Haris Radoncic (“Radoncic”), seeks to extend the discovery deadline to a date two months following the entry of a decision on both the plaintiff’s motion to dismiss the defendants’ counterclaims and third-party claims and the plaintiff’s motion to amend,

which were recently referred to the undersigned. The plaintiff also seeks to stay discovery with respect to the third-party defendants, Millennium Products Group LLC and Steven Goldmeier, pending determination of those motions. In consultation with Judge Feuerstein, the motions are granted, in part, and denied, in part. The Court will not stay discovery pending determination of the motions. Nor will it set a discovery deadline based on the entry of a decision on those motions. However, the Court will amend the discovery schedule as follows: all discovery, inclusive of expert discovery, must be concluded by July 8, 2019; any party planning to make a dispositive motion must serve moving papers no later than July 29, 2019 (*see* Feuerstein Individual Rule 4(e) for clarification on the filing of motion papers); the final conference before the undersigned is adjourned to August 12, 2019, at 2:00 p.m.; and parties are to electronically file a proposed joint pretrial order in compliance with the district judge's individual rules prior to that final conference.

By letter motion dated April 1, 2019, Radoncic alternatively sought to extend the discovery deadlines by thirty days to allow him to depose Elan Eliav and to allow the defendants to respond to his outstanding discovery requests, which he first served on April 1, 2019. By letter dated April 3, 2019, the defendants seek a protective order “forbidding [Radoncic] from compelling defendants to respond” to the plaintiff’s First Request for Admissions, Request for the Production of Documents and First Set of Interrogatories, as well as his Notice to Take the Deposition of Elan Eliav. The plaintiff has not provided the Court with a justifiable excuse for waiting until the week before the discovery deadline to serve his requests. In fact, according to the defendants, the plaintiff has done nothing in the last seven months to initiate discovery. Nonetheless, given the Court’s determination that the deadline for the completion of

discovery shall be extended to July 8, 2019, Radoncic's motion for an extension is denied as moot and the defendants' motion for a protective order is also denied. Upon receipt of this order, counsel for the parties are directed to meet and confer to schedule the remaining depositions at a mutually convenient time. Responses to the discovery requests served by the plaintiff on April 1, 2019 shall be governed by the Federal Rules for Civil Procedure.

The plaintiff is warned that, in the future, he may not serve discovery requests without providing reasonable notice and enough time to respond prior to the close of discovery.

Dated: Central Islip, New York
April 5, 2019

SO ORDERED:

/s
ARLENE R. LINDSAY
United States Magistrate Judge